New York State
A   DOMESTIC INCIDENT REPORT

Incident

Agency: New Rochelle Police Dept	DCJS # OS904	Incident # EV# 63365-18

Reported Date (MM/DD/YYYY): 12/15/2018   Time (24 hours): 1007   Occurred Date (MM/DD/YYYY): 12/15/2018   Time (24 hours): 1000

☐ Officer Initiated   ☑ Radio Run   ☐ Walk-in   ☐ ICAD (NYC)

Complaint # CR# 6162-18

Address (Street No., Street Name, Bldg. No., Apt No.): [redacted]

City, State, Zip: [redacted]

Victim (P1)

Name (Last, First, M.I.) (Include Aliases): SOLOMON, JENNIFER S

DOB (MM/DD/YYYY): [redacted]   Age: 43   ☑ Female ☐ Male ☐ Self-Identified:

Address (Street No., Street Name, Bldg. No., Apt No.): [redacted]

Victim Phone Number: [redacted]   Language: English

City, State, Zip: [redacted]

☑ White ☐ Black ☐ Asian ☐ American Indian ☐ Other
☐ Hispanic ☑ Non Hispanic ☐ Unknown
☐ Other Identifier:

How can we safely contact you? (i.e. Name, Phone, Email)

Suspect (P2)

Name (Last, First, M.I.) (Include Aliases): FISHMAN, MARC H

DOB (MM/DD/YYYY): [redacted]   Age: 45   ☐ Female ☑ Male ☐ Self-Identified:

Address (Street No., Street Name, Bldg. No., Apt No.): [redacted]

Suspect Phone Number: [redacted]   Language: English

City, State, Zip: [redacted]

☑ White ☐ Black ☐ Asian ☐ American Indian ☐ Other
☐ Hispanic ☑ Non Hispanic ☐ Unknown
☐ Other Identifier:

Do suspect and victim live together? ☐ Yes ☑ No	Suspect/P2 present? ☑ Yes ☐ No	Was suspect injured? ☐ Yes ☑ No If yes describe:	Possible drug or alcohol use? ☐ Yes ☑ No	Suspect supervised? ☐ Probation ☐ Parole ☐ Not Supervised ☑ Status Unknown

Suspect (P2) Relationship to Victim (P1) ☐ Married ☐ Intimate Partner/Dating ☑ Formerly Married ☐ Former Intimate Partner ☐ Parent of Victim (P1) ☐ Child of Victim ☐ Relative: ☐ Other:

Do the suspect and victim have a child in common? ☑ Yes ☐ No

Victim Interview

Emotional condition of VICTIM? ☑ Upset ☐ Nervous ☐ Crying ☑ Angry ☑ Other: FRUSTRATED

What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident? I JUST NEED SOME HELP.

Did suspect make victim fearful? ☑ Yes ☐ No If yes, describe:

Weapon Used? ☐ Yes ☑ No Gun: ☐ Yes ☐ No Other, describe:

Suspect Threats? ☐ Yes ☑ No If Yes, Threats to: ☐ Victim ☐ Child(ren) ☐ Pet ☐ Commit Suicide ☐ Other Describe:

Access to Guns? ☐ Yes ☑ No If yes, describe:

Injured? ☐ Yes ☑ No If yes, describe:

In Pain? ☐ Yes ☑ No If yes, describe:

Strangulation? ☐ Yes ☑ No ☐ Loss of Consciousness ☐ Urination/Defecation ☐ Red eyes/Petechia ☐ Sore Throat ☐ Breathing Changed ☐ Difficulty Swallowing

Visible Marks? ☐ Yes ☑ No If yes, describe:

Suspect

What did the SUSPECT say (Before and After Arrest): I WAS ALLOWED TO SEE MY CHILDREN.

710.30 completed? ☐ Yes ☑ No

Witnesses

Child/Witness (1) Name (Last, First, M.I.): [redacted]	DOB: [redacted]	Child/Witness(1) Address (Street No., Name, Bldg./Apt): [redacted]	City, State, Zip: [redacted]	Phone:
Child/Witness (2) Name (Last, First, M.I.): [redacted]	DOB: [redacted]	Child/Witness(2) Address (Street No., Name, Bldg./Apt): [redacted]	City, State, Zip: ✓	Phone:

Incident Narrative

Briefly describe the circumstances of this incident: SEE DETECTIVE NARRATIVE.

Evid

DIR Repository checked? ☐ Yes ☑ No   Order of Protection Registry checked? ☑ Yes ☐ No   Order of Protection in effect? ☑ Yes ☐ No ☐ Refrain ☑ Stay Away

Evidence Present? ☑ Yes ☐ No

Photos taken: ☐ Victim Injury ☐ Suspect Injury ☐ Other:

Other Evidence: ☐ Damaged Property ☐ Videos ☐ Electronic Evidence ☐ Other:

Destruction of Property? ☐ Yes ☑ No If yes, Describe:

Offense

Offense Committed? ☑ Yes ☐ No

Was suspect arrested? ☑ Yes ☐ No If no, explain:

Offense 1: CONTEMPT   Law (e.g. PL): P.L.

Offense 2:   Law (e.g. PL): 1/2

| Agency: New Rochelle Police Dept | B | ORI: 05904 | Incident # EJH 63365-18 | Complaint # CR# 6162-18 |

Describe Victim's prior domestic incidents with this suspect (Last, Worst, First): *Long and ongoing issue with continual court cases*

Prior History

If the Victim answers "yes" to any questions in this box refer to the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906 or Local Domestic Violence Service Provider: (   ) _____.

Has Suspect ever:

Threatened to kill you or your children? ☐ Yes ☒ No

Strangled or "choked" you? ☐ Yes ☒ No

Beaten you while you were pregnant? ☐ Yes ☒ No

Is suspect capable of killing you or children? ☐ Yes ☒ No

Is suspect violently and constantly jealous of you? ☐ Yes ☒ No

Has the physical violence increased in frequency or severity over the past 6 months? ☐ Yes ☒ No

Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? ☐ Yes ☒ No

If Yes, the Officer must contact the **NYS Child Abuse Hotline Registry # 1-800-635-1522.**

Was DIR given to the Victim at the scene? ☐ Yes ☒ No if NO, Why:

Was Victim Rights Notice given to the Victim? ☒ Yes ☐ No if NO, Why:

Signatures:

Reporting Officer (Print and Sign include Rank and ID#) P.O. Schlesinger Anne PO ____ #11058

Supervisor (Print and Sign include Rank and ID#) Det. A. Wilson #18

STATEMENT OF ALLEGATIONS/SUPPORTING DEPOSITION

* Officers are encouraged to assist the Victim in completing this section of the form.

Suspect Name (Last, First, M.I)

I _____ (Victim/Deponent Name) state that on ____ / ____ / _____, (Date)

at _____ (Location of incident) in the County/City/Town/Village _____

of the State of New York, the following did occur:

(Use additional page as needed)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law.

Victim/Deponent Signature	Date
Witness or Officer Signature	Date
Interpreter Signature and Interpreter Service Provider Name Interpreter Requested ☐ Yes ☐ No Interpreter Used ☐ Yes ☐ No	Date

Note: Whether or not this form is signed, this DIR Form will be filed with Law Enforcement.

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REPORTING OFFICER NARRATIVE

		OCA
New Rochelle Police Department		18-006162
Victim *SOLOMON, JENNIFER*	Offense *CRIMINAL CONTEMPT-2ND:DISOBEY*	Date / Time Reported *Sat 12/15/2018 13:21*

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

At approximately 1000Hrs I responded to ████████████████ in regards to a V.O.P that had just occurred. Upon arrival R/O interviewed Ms. Solomon who stated her ex husband Mr. Fishman had just came to the residence. Mr. Fishman was observed driving by the house at a slow rate of speed (He was passenger in the vehicle). He then stopped the vehicle near the driveway on the Howard Parkway side, exited the vehicle and attempted to yell and make contact with his son ████████████ (████████). At that time Ms. Solomon ordered ████████ into the house and ceased all contact. Ms. Solomon at this time displayed an active Order of Protection (Stay Away) File #131794; Docket #`s V-08187-14/15B, V-08186-14/15B, V-08188-14/15B, V-08189-14/15B issued by Judge Schauer from Yonkers Family Court (Exp. 06/27/2019).

Ms. Solomon further stated and displayed a comprehensive 28 page custody and visitation agreement. The agreement specifies that all visitation with Mr. Fishman shall be supervised by an employee of the court. Ms. Elliot has been the social worker who has attempted to mediate and mend this family, as well as supervise all visitation interactions. To further elaborate all visitation days will consist of Ms. Solomon conveying the children to Mr. Fishman`s residence and leaving them curbside with Ms. Elliot. Ms. Elliot will then convey the children back to Ms. Solomon at ████████████. If for whatever reason Ms. Solomon cancels a visitation arrangement (which is permitted), she is responsible for making up the time allotted on another date. Due to a dispute that occurred at the last visitation session and in Ms. Elliot`s presence, it was agreed upon to cancel the visitation for 15 Dec 18 due to the children`s best interest.

On this date at approximately 0930Hrs Ms. Elliot arrived at Ms. Solomon`s residence unexpectedly. Ms. Elliot stated she was there on behalf of Mr. Fishman, and he was requesting to speak and see the children. Ms. Solomon stated she was quite stunned by the occurrence and demand. Ms. Solomon also stated that Ms. Elliot is allowing Mr. Fishman to violate the order in her presence. While speaking to Ms. Elliot is when Ms. Solomon observed Mr. Fishman proceed by the house and attempt interaction with their son ████. Mr. Fishman then left the area driven by a woman and conveying Ms. Elliot in the same vehicle.

While on location with Ms. Solomon HQ advised me that Mr. Fishman had responded to HQ and was requesting to make a report. With all information and paperwork in hand, R/O responded to HQ to interview Mr. Fishman. At HQ, I encountered Mr. Fishman, Ms. Elliot and a third female party named Ms. Bolivar (the female driver from previously). Mr. Fishman stated he wanted to document that Ms. Solomon violated the custody order, and that he was being deprived of his rights.

Ms. Elliot was interviewed and stated that she advised Mr. Fishman that he was violating the order of protection by going to th residence. Ms. Elliot further stated that although she was in the vehicle with Mr. Fishman, at no time did she instruct him to continue with these actions that she knew were unlawful and potentially harmful to the mental welfare of the children. Ms. Elliot fully corroborated that Mr. Fishman attempted to contact ████████, ████, and should not have been near or in view of the residence for any reason. Ms. Elliot further displayed a text message from Mr. Fishman containing a screenshot showing a conversation he was having via text with ████████, ████ (████████). This text message which was dated as of this morning is in clear violation of the Stay Away and Refrain clauses of the court order.

Due to the circumstances and probable cause Lt. Wenzler and I placed Mr. Fishman into custody for Contempt. R/O advised Mr. Fishman of his constitutional rights. Sgt. Kane conducted the booking and assigned bail at $300.00. Due to the poor health of Mr. Fishman and his inability to drive it was authorized to release him to Ms. Bolivar and assign a return date of 17 Dec 18.

Reporting Officer: *SCHLESINGER, I*
R_CS3NC

INTERVIEWPC2 # lschlesi 12/15/2018 14:25

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